



General Assembly

**Amendment**

January Session, 2009

LCO No. 7794

**\*SB0077207794SD0\***

Offered by:

SEN. SLOSSBERG, 14<sup>th</sup> Dist.

REP. SPALLONE, 36<sup>th</sup> Dist.

To: Subst. Senate Bill No. 772

File No. 188

Cal. No. 189

**"AN ACT CONCERNING THE POSTING OF PUBLIC AGENCY  
MINUTES UNDER THE FREEDOM OF INFORMATION ACT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 1-225 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The meetings of all public agencies, except executive sessions, as  
6 defined in subdivision (6) of section 1-200, shall be open to the public.  
7 The votes of each member of any such public agency upon any issue  
8 before such public agency shall be reduced to writing and made  
9 available for public inspection within forty-eight hours and shall also  
10 be recorded in the minutes of the session at which taken. Within seven  
11 days of the session to which such minutes refer, such minutes shall be  
12 available for public inspection and, within fourteen days of such  
13 session, such minutes shall be posted on such public agency's Internet  
14 web site, if available. Each [such] public agency shall make, keep and

15 maintain a record of the proceedings of its meetings.

16 (b) Each such public agency of the state shall file not later than  
17 January thirty-first of each year in the office of the Secretary of the  
18 State the schedule of the regular meetings of such public agency for the  
19 ensuing year and shall post such schedule on such public agency's  
20 Internet web site, if available, except that such requirements shall not  
21 apply to the General Assembly, either house thereof or to any  
22 committee thereof. Any other provision of the Freedom of Information  
23 Act notwithstanding, the General Assembly at the commencement of  
24 each regular session in the odd-numbered years, shall adopt, as part of  
25 its joint rules, rules to provide notice to the public of its regular,  
26 special, emergency or interim committee meetings. The chairperson or  
27 secretary of any such public agency of any political subdivision of the  
28 state shall file, not later than January thirty-first of each year, with the  
29 clerk of such subdivision the schedule of regular meetings of such  
30 public agency for the ensuing year, and no such meeting of any such  
31 public agency shall be held sooner than thirty days after such schedule  
32 has been filed. The chief executive officer of any multitown district or  
33 agency shall file, not later than January thirty-first of each year, with  
34 the clerk of each municipal member of such district or agency, the  
35 schedule of regular meetings of such public agency for the ensuing  
36 year, and no such meeting of any such public agency shall be held  
37 sooner than thirty days after such schedule has been filed.

38 (c) The agenda of the regular meetings of every public agency,  
39 except for the General Assembly, shall be available to the public and  
40 shall be filed, not less than twenty-four hours before the meetings to  
41 which they refer, (1) in such agency's regular office or place of  
42 business, and (2) in the office of the Secretary of the State for any such  
43 public agency of the state, in the office of the clerk of such subdivision  
44 for any public agency of a political subdivision of the state or in the  
45 office of the clerk of each municipal member of any multitown district  
46 or agency. For any such public agency of the state, such agenda shall  
47 be posted on the public agency's and the Secretary of the State's web  
48 sites. Upon the affirmative vote of two-thirds of the members of a

49 public agency present and voting, any subsequent business not  
50 included in such filed agendas may be considered and acted upon at  
51 such meetings.

52 (d) Notice of each special meeting of every public agency, except for  
53 the General Assembly, either house thereof or any committee thereof,  
54 shall be posted not less than twenty-four hours before the meeting to  
55 which such notice refers on the public agency's Internet web site, if  
56 available, and given not less than twenty-four hours prior to the time  
57 of such meeting by filing a notice of the time and place thereof in the  
58 office of the Secretary of the State for any such public agency of the  
59 state, in the office of the clerk of such subdivision for any public  
60 agency of a political subdivision of the state and in the office of the  
61 clerk of each municipal member for any multitown district or agency.  
62 The secretary or clerk shall cause any notice received under this section  
63 to be posted in his office. Such notice shall be given not less than  
64 twenty-four hours prior to the time of the special meeting; provided, in  
65 case of emergency, except for the General Assembly, either house  
66 thereof or any committee thereof, any such special meeting may be  
67 held without complying with the foregoing requirement for the filing  
68 of notice but a copy of the minutes of every such emergency special  
69 meeting adequately setting forth the nature of the emergency and the  
70 proceedings occurring at such meeting shall be filed with the Secretary  
71 of the State, the clerk of such political subdivision, or the clerk of each  
72 municipal member of such multitown district or agency, as the case  
73 may be, not later than seventy-two hours following the holding of such  
74 meeting. The notice shall specify the time and place of the special  
75 meeting and the business to be transacted. No other business shall be  
76 considered at such meetings by such public agency. In addition, such  
77 written notice shall be delivered to the usual place of abode of each  
78 member of the public agency so that the same is received prior to such  
79 special meeting. The requirement of delivery of such written notice  
80 may be dispensed with as to any member who at or prior to the time  
81 the meeting convenes files with the clerk or secretary of the public  
82 agency a written waiver of delivery of such notice. Such waiver may be

83 given by telegram. The requirement of delivery of such written notice  
84 may also be dispensed with as to any member who is actually present  
85 at the meeting at the time it convenes. Nothing in this section shall be  
86 construed to prohibit any agency from adopting more stringent notice  
87 requirements.

88 (e) No member of the public shall be required, as a condition to  
89 attendance at a meeting of any such body, to register the member's  
90 name, or furnish other information, or complete a questionnaire or  
91 otherwise fulfill any condition precedent to the member's attendance.

92 (f) A public agency may hold an executive session, as defined in  
93 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds  
94 of the members of such body present and voting, taken at a public  
95 meeting and stating the reasons for such executive session, as defined  
96 in section 1-200.

97 (g) In determining the time within which or by when a notice,  
98 agenda, record of votes or minutes of a special meeting or an  
99 emergency special meeting are required to be filed under this section,  
100 Saturdays, Sundays, legal holidays and any day on which the office of  
101 the agency, the Secretary of the State or the clerk of the applicable  
102 political subdivision or the clerk of each municipal member of any  
103 multitown district or agency, as the case may be, is closed, shall be  
104 excluded.

105 (h) For a period of five years from the effective date of this section,  
106 the web site posting requirements contained in subsections (a) and (d)  
107 of this section shall not be deemed to apply to any public agency of a  
108 municipality with a population of ten thousand or fewer residents.  
109 Notwithstanding the provisions of this subsection, no public agency of  
110 any municipality shall be deemed to be in violation of this chapter for  
111 the failure to comply with the web site posting requirements contained  
112 in subsections (a) and (d) of this section, (1) for the period beginning  
113 October 1, 2008, and ending December 31, 2009, if such public agency  
114 files a notice with the town clerk of the applicable municipality

115 indicating the reason for such failure, and (2) for the period beginning  
116 January 1, 2010, and ending January 1, 2011, following a vote of the  
117 applicable legislative body of such municipality, if such public agency  
118 files a notice with the commission describing the hardship that  
119 prevents such public agency from complying with such requirements.  
120 In any municipality with a town meeting form of government, such  
121 vote may be made by the board of selectmen in lieu of a town meeting.  
122 For informational purposes only, a copy of any notice filed with a  
123 town clerk pursuant to this subsection shall be filed with the  
124 commission. Nothing in this subsection shall be construed to require  
125 any action by the commission on any such notice filed with the  
126 commission. The commission may dismiss any complaint concerning  
127 the failure to comply with the web site posting requirements contained  
128 in subsection (a) or (d) of this section, provided such complaint was  
129 filed with the commission prior to the effective date of this section.

130       Sec. 2. Section 1-2 of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective October 1, 2009*):

132       Each provision of the general statutes, the special acts or the charter  
133 of any town, city or borough which requires the insertion of an  
134 advertisement of a legal notice in a daily newspaper shall be construed  
135 to permit such advertisement to be inserted in a daily or weekly  
136 newspaper; but this section shall not be construed to reduce or  
137 otherwise affect the time required by law for giving such notice. For  
138 any requirement for the insertion of an advertisement of a legal notice  
139 by a town, city or borough, the legal notice may be posted in a  
140 conspicuous place on the town's, city's or borough's web site in lieu of  
141 insertion of such advertisement in a daily or weekly newspaper,  
142 provided such town, city or borough, regardless of population,  
143 complies with the web site posting requirements contained in  
144 subsections (a) and (d) of section 1-225, as amended by this act. Any  
145 such legal notice posted on a town's, city's or borough's web site shall  
146 indicate the date such notice is first posted on such web site. Whenever  
147 notice of any action or other proceeding is required to be given by  
148 publication in a newspaper, either by statute or order of court, the

149 newspaper selected for that purpose, unless otherwise expressly  
150 prescribed, shall be one having a substantial circulation in the town in  
151 which at least one of the parties, for whose benefit such notice is given,  
152 resides."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-225
Sec. 2	<i>October 1, 2009</i>	1-2